

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF ARKANSAS
FAYETTEVILLE DIVISION**

NORTHPORT HEALTH SERVICES OF
ARKANSAS, LLC D/B/A SPRINGDALE
HEALTH AND REHABILITATION
CENTER, *et. al.*,

Plaintiffs,

v.

THE UNITED STATES DEPARTMENT
HEALTH AND HUMAN SERVICES,
et. al.,

Defendants.

Civil Action No.: 19-5168-TLB

**DEFENDANTS' RESPONSE TO PLAINTIFFS'
MOTION FOR SUMMARY JUDGMENT AND CROSS-MOTION**

Pursuant to the Court's order dated September 17, 2019, and Rule 56 of the Federal Rules of Civil Procedure, defendants, the United States Department of Health and Human Services (HHS), Alex M. Azar II, in his official capacity as Secretary of HHS, the Centers for Medicare & Medicaid Services (CMS), and Seema Verma, in her official capacity as the Administrator of CMS, respectfully request that the Court deny the motion for summary judgment filed by plaintiffs, sustain the regulation at issue, and enter judgment in favor of defendants.

In support of this motion, we rely on the administrative record submitted in this matter and the following brief.

Respectfully submitted,

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October 25, 2019

Attorneys for Defendants

CERTIFICATE OF SERVICE

I, Alexander V. Sverdlov, hereby certify that on October 25, 2019, I electronically filed the foregoing “DEFENDANTS’ RESPONSE TO PLAINTIFFS’ MOTION FOR SUMMARY JUDGMENT AND CROSS-MOTION” with the Clerk of Court using the Court’s CM/ECF System. I understand the CM/ECF System will send notification of such filing to all parties of record.

/s/ Alexander V. Sverdlov
Alexander V. Sverdlov